REMARKS

Claims 12-19 were pending in this application. Claims 12-19 have been amended to more clearly define the invention and to correct matters of form. No new matter has been presented. Upon entry of this amendment, claims 12-19 will remain pending herein and are believed to be in condition for allowance for the reasons stated below.

In the Office Action,

- Claims 12 and 16 were rejected under 35 U.S.C. §101; and
- Claims 12-19 were rejected under 35 U.S.C. §102(e) as being anticipated by Antia (US 6,347,124).

These grounds of rejection are respectfully traversed.

§101 rejection

As set forth above, claims 12 and 16 have been amended.

Claim 16 has been amended to more precisely recite features of the invention. Claim 16 is a device/apparatus claim (a "wireless-communications network receiver") and thus cannot be considered a "process" in any event. Accordingly, the §101 rejection of claim 16 should be withdrawn as there is no basis for this ground of rejection.

As regards claim 12, that claim (as amended) expressly recites that the "signal values" are "outputted by a rake receiver" (see, also, Figure 1 of the present application). As such, claim 12 clearly recites an apparatus that accomplishes method steps in connection with the claimed process. Reconsideration and withdrawal of the §101 rejection with respect to claim 12 are therefore also requested.

§102(e) rejection

Claims 12-19 stand rejected under 35 U.S.C. §102(e). As indicated in MPEP §2131, to anticipate a claim, the cited reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). "The identical invention

must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Antia does not rise to these stringent requirements.

Specifically, an important difference between Antia and the claimed invention is the source of the information used to derive a scaling factor, and more specifically whether the scaling factor is derived from the signal values **before or after** the scaling factor has been applied.

In contrast to Antia, the claimed invention of claim 12 clearly requires that the scaling factor should be derived from the signal values **post**-scaling. Claim 12 recites "... adjusting the scaling factor according to the probability distribution gained through step (b)." Step (b) comprises monitoring the probability distribution of the amplitudes of the **scaled** signal values, which are provided via Step (a) -- scaling the signal values.

Such a scheme is not described in Antia since the reference only describes techniques where the scale factor is derived from signal values **pre-scaling**. This is clear from Figure 3 of Antia where the calculation of the average signal value (step 44) applies to the signal **prior** to the scaling being applied (step 48). This is also clear from the description in Antia at columns 4 and 5. Equation 1 therein clearly indicates that the average value is derived from the signal s(n) which is **before** the scaling is applied (the scaling is described in equation 3 and shows the scaled signal s^ being derived from s).

It is respectfully submitted that this difference (post-scaling vs. pre-scaling) is more than sufficient to overcome Antia as an anticipatory reference under §102(e). Withdrawal of this ground of rejection of claim 12 is accordingly respectfully urged.

Independent claim 16 recites subject matter similar to claim 12. Applicant therefore respectfully requests that the rejection of claim 16 under §102(e) should also be withdrawn.

Dependent claims 13-15 each includes by reference all the limitation of respective base claim 12. Dependent claims 17-19 each includes by reference all the limitation of respective base claim 16. Applicant therefore respectfully requests that the rejection of claims 13-15 and 17-19 under §102(e) should also be withdrawn.

To the extent the Examiner might consider the claimed invention obvious under 35 U.S.C. §103(a), Applicant notes the following. Monitoring the probability distribution after the scaling has been applied provides benefits in terms of implementation complexity. For example, the bit width of the signal is lower after scaling than before scaling (this is the point of the scaling). As a result, there are fewer levels to monitor in the generation of the probability distribution when working with the signal post-scaling. Furthermore, by generating the scale from the signal post-scaling, the mechanism of generating the scaling value needs to use a feedback approach rather than a feed-forward approach. As those skilled in the art appreciate, these two approaches are quite different from one another and, significantly, there is absolutely no indication in Antia as to why such a change in approach would be considered.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

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